

CUPE LOCAL 441

BY-LAWS

Revised January 21, 2011

(Subject to the direction of the President of CUPE National)

CANADIAN UNION OF PUBLIC EMPLOYEES

By-Laws

YOU ARE IN THE UNION?

A few do's and don'ts to test the sincerity of WE who are the Union

- Do study the Constitution
- Do study the By-Laws
- Do study the Agreement
- Do attend as many meetings as possible
- Do get acquainted with the Shop Steward for your work site
- Do learn the difference between a legitimate grievance and a complaint, whether such is frivolous or well-founded
- Do memorize the Order of Business and follow it when attending meetings think before we vote?

- Don't say, "Why doesn't the Union...?" instead of "Why don't WE...?"
- Don't stay away from meetings and gripe about "unwise" decisions afterward
- Don't go over the head of OUR Steward
- Don't believe the Union is not vitally important to US
- Don't hesitate to bring to the attention of the meeting YOUR problems ~they are the Union's, too
- Don't leave this booklet at home ~ carry it at all times

PREAMBLE

Duties and responsibilities of elected officers and members of committees should be as widely dispersed as possible. It should not be left to the willing few to have to serve in multiple capacities. In other words, duties should be shared by the **many** rather than the **few**. While various committees have been designated as *Standing Committees*, this does not preclude the possibility of special committees being established from time to time as may be required and necessary. In order to improve and maintain the social and economic welfare of its members without regard to colour, race, or creed, to promote efficiency in public employment, and to give clear evidence of its recognition of the unity of organized labour, this Local has been formed and does now establish these By-Laws for its government.

The following By-Laws are adopted by the Local, pursuant to, and to supplement, Appendix B of the CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

SECTION 1 – PREAMBLE

In order to improve the social and economic welfare of its members without regard to sex, colour, race or creed, to promote efficiency in public employment, and to manifest its belief in the value of the unity of organized labour, this Local of the Canadian Union of Public Employees (hereunder referred to as CUPE has been formed).

The following By-Laws are adopted by the Local pursuant to, and to supplement, Appendix “B” of the CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

SECTION 2 – OBJECTIVES

The objectives of the Local are to:

- a) Secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- b) Support CUPE in reaching the goals set out in Article 11 of the CUPE Constitution;
- c) Provide an opportunity for its members to influence and shape their future through free democratic unionism;
- d) Encourage the settlement by negotiation and mediation of all disputes between the members and their employers.

SECTION 3 – INTERPRETATION & DEFINITIONS

- a) All terms of reference shall be gender neutral.
- b) Numbers of Articles at the end of sections or sub-sections refer to relevant Articles of the current CUPE Constitution, which should be read in conjunction with these By-Laws.

SECTION 4 – MEMBERSHIP MEETINGS – REGULAR & SPECIAL

- a) Membership meetings shall be held as scheduled, a yearly schedule to be posted on each CUPE bulletin board in September prior to the membership meeting.
- b) Special membership meetings may be ordered by the Executive or requested in writing by no fewer than ten members. The President shall immediately call a special meeting when so ordered or requested, and shall see that all members receive at least twenty-four (24) hours notice of the special meeting and the

subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

- c) A quorum for the transaction of business at any regular or special meeting shall be fifteen (15) members, including at least three (3) members of the Executive, provided that the number of members present exceeds the number of Executive members present. If all ten (10) Executive members are present, the quorum for the transaction of business shall be twenty (2). In the event that a quorum is not present, the Executive is empowered to carry out of the business of the Union, except for money issues.
- d) The order of business at membership meetings is as follows:
 - 1) Roll call of Officers.
 - 2) Voting in New Members and Initiation
 - 3) Read minutes of Previous Meeting
 - 4) Matters arising out of the Minutes
 - 5) Secretary-Treasurer's Report
 - 6) Communications and Bills
 - 7) Executive Report
 - 8) Reports of Committees and Delegates
 - 9) Nominations, Elections, or Installations
 - 10) Unfinished Business
 - 11) New Business
 - 12) Good of the Union
 - 13) Adjournment

SECTION 5 – VOTING OF FUNDS

Except for ordinary expenses and bills as approved at membership meetings, no sum over one hundred dollars (\$100.00) shall be granted or contributed to a member or a cause outside CUPE except by a carried motion. (Appendix B.4.4)

As carried by a previous motion, the Executive is empowered to spend up to \$500.00 to support a member in financial need. The membership is to be advised of the expenditure at the next membership meeting, protecting the confidentiality of the member.

SECTION 6 – OFFICERS

The officers of the Local shall be the President, Vice-President, Secretary-Treasurer, Membership, Recording Secretary, three (3) Trustees, and up to a maximum of six (6) Shop Stewards, one each from Grounds, Maintenance, Custodial, Clerical, Bus Drivers, and School Support Workers, one of which shall be elected Chief Shop Steward. All Officers shall be elected by the membership for a two year term at the annual membership meeting in October. The President, Recording Secretary, Clerical Shop Steward, Grounds Shop Steward and Maintenance Shop Steward will be elected in odd years. The Vice-President, Secretary Treasurer, membership Secretary, custodial Shop Steward and School Support Worker Shop Steward will be elected in even years.

Note: In the event the Grounds & Maintenance departments do not each elect a separate steward the position will be combined as Grounds/Maintenance Shop Steward (Appendix B.2.1)

SECTION 7 – EXECUTIVE MEETINGS

- a) The Executive shall comprise all officers, except trustees (Appendix B.2.2)
- b) The Executive shall meet at least once a month, (Appendix B.2.2)
- c) A majority of the Executive constitutes a quorum.

- d) The Executive Officers shall hold title to any real estate of the Local, as trustee(s) for the Local. They shall have no right to sell, convey or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved.
- e) The executive shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees.
- f) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution. (Appendix Bl.1-6.2)
- g) Should any Executive member fail to answer the roll call for four consecutive meetings, (Executive and membership combined) without having submitted good reason for these failures, the office shall be declared vacant and shall be filled by an election at the following membership meeting.
(Appendix B.2.5)
- h) The Executive shall deal with all grievances as submitted by the membership and shall be responsible for the proper and effective functioning of the grievance committee.

SECTION 8 – DUTIES OF OFFICERS

(APPENDIX B III)

(a) The President shall:

- Enforce the CUPE Constitution and these By-Laws;
- Preside at all membership and Executive meetings and preserve order;
- Shall ensure an Executive officer will represent the Local at monthly School Board meetings;
- Shall ensure that all Leaves of Absence for Joint meetings and Union business meetings will be managed by an Executive officer;
- Decide all points of order procedure (subject always to appeal to the membership);
- Have a vote on all matters (except appeals against his/her rulings) and in case of additional vote to break a tie;
- Ensure that all officers perform their assigned duties;
- Fill committee vacancies where elections are not provided for;
- Introduce new members and conduct them through the initiation ceremony;
- Jointly with either the Vice President and/or the Secretary-Treasurer sign cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution By-Laws, or vote of the membership;
- Be allowed necessary funds, not exceeding two hundred (\$200.00) monthly, to reimburse personal expenses, supported by vouchers, incurred on behalf of the local;
- Have first preference as a delegate to the CUPE National Convention;
- Be granted up to a maximum of four (4) five (5) working days per month to conduct Union Business.
- Have President's cell phone number posted on all CUPE Bulletin Boards;
- On termination of office, surrender all books, seals, and other properties of the Local to the succeeding Executive Officers of Local 441.

(b) The Vice-President shall;

- In the absence (or incapacitation) of the president, perform all duties of the President;
- If the office of President or any other Executive member excluding Shop Stewards falls vacant, the Vice-President shall fulfill the duties of the office until a new officer is elected;
- Jointly with either the President and/or the Secretary-Treasurer sign cheques and ensure that the Local's funds are used only as authorized or directed by the constitution By-Laws, or vote of the membership;
- Represent CUPE at monthly School Board meetings;
- Represent CUPE at monthly meetings of the Confederation of Parents Advisory Councils of Saanich (COPACS).

- Approve all job postings prior to posting and receive the Union copy of all job postings, appointment letters and other correspondence from the School Board Office, and surrender same to the Recording Secretary prior to the next scheduled membership meeting;
- Record from the monthly general meetings, all alterations to the By-Laws and chair biannually and ad-hoc By-Law committee which will integrate the alterations into these By-Laws;
- Ensure that amendments to the By-Laws are completed bi-annually and that By-Laws are submitted to CUPE National
- On termination of office, surrender all books, seals, and other properties of the Local to the Executive officers of Local 441
- Attend Labour Management meetings as required

(c) The Secretary-Treasurer shall;

- Receive all revenue, initiation fees, dues and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union;
- Regularly make a full financial report to meetings of the Local's Executive, as well as written financial report to each membership meeting, detailing all income and expenditures for the period;
(Appendix B.1.6);
- Prepare all CUPE National Per Capita Tax forms and remit payments;
- Record all financial transactions in a manner acceptable to, and in accordance with, good accounting practices;
- Prepare a yearly operating budget to present to the Local no later than February of each calendar year;
- Do mail pickup at least once a week;
- Be bonded through the master bond held by the National Office;
- Pay no money unless supported by a voucher signed by the President or two other members of the Executive, except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated;
- Annually secure a copy of the current CUE BC expense policy for Executive officers to use in conjunction with Section 12 of these Bylaws;
- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all;
- Forward to the National Secretary-Treasurer by the last day of the following month, all financial obligations owing;
(Appendix B.3.8)
- On termination of office, turn over all properties, assets, books, seals, etc. to the successor;
(Appendix B.3.9)
- Make all books available for inspection by the trustees and/or auditors, on reasonable notice. Ensure that the books are audited at least once each calendar year and within reasonable time, respond in writing to any recommendations and concerns raised by the trustees.
(Appendix B.3.4.B.3.9)
- Be granted up to a maximum of two (2) working days per month to conduct the business of the Local.

(d) The Recording Secretary

- Keep full, accurate and impartial account of the proceedings of all regular or special membership and board meetings, ensuring that these records include a copy of the full financial report presented by the secretary-treasurer"
- Answer and file correspondence for the Local
- Be responsible for keeping filing system up to date

- Be granted up to a maximum of 1 working day per month to conduct the business of the local.

(e) The Membership Secretary shall;

- Direct distribution of all circulars, notices, and membership meeting agendas to members;
- Keep a correct list of names and contact information of all Union members;
- Assume responsibility for maintaining office equipment and ordering office supplies as needed;
- Assume the responsibilities of a Sergeant at Arms;
- Ensure each new member received a copy of the current By0Laws and Collective Agreement;
- Issue each new member in good standing a current membership card;
- Maintain a database for membership attendance at membership meetings;
- On termination of office, surrender all books, seals, and other properties of the Local to the succeeding Executive officers of Local 441.
- Arrange meeting rooms as required for all Executive and membership meetings;
- Chair the Phone Tree Committee
- Be responsible for copying information for meetings.
- Assume the duties of the Privacy Coordinator (Pursuant to Provincial Legislation January 2004)
- Be granted up to a maximum of 1 working day per month to conduct the business of the local.

(f) The Trustees shall: (Appendix B 3.10-3.13)

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer annually, unless otherwise directed by the Executive;
- Report their findings to the first membership meeting following the completion of each audit;
- Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
- Ensure that proper financial reports are made to the membership;
- Audit the record of attendance prior to the election of officers;
- Inspect annually any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local, and report their findings to the membership;
- Use audit forms supplied by the National Office and send a copy of each annual audit to the National Secretary-Treasurer in accordance with the provisions of the CUPE Constitution.
- Shall act as scrutinizers when balloting is required at membership meetings.

(g) The Shop Stewards shall;

- Be elected at the annual membership meeting in October by the representative members of each classification;
- Be prepared to attend or take a CUPE Shop Steward course within a year of assuming office;
- Define, detect, prepare and present grievances at the initial level in consultation with the Chief shop Steward;
- Generally know and police the Collective Agreement and provincial or federal legislation affecting labour and a particular job;
- Provide communications and information from the members in their classification to the Executive and from the Executive to the members in their classification;
- Introduce themselves to new members in their classification and encourage the new members' participation in union activity.
- Attend Labour Management meetings as required.

(h) Chief Shop Steward shall;

- Be elected at the annual membership meeting in October from among the duly elected shop stewards yearly;

- Know and police the Collective Agreement;
- Be kept informed of all grievances and be involved at the initial level of all grievances;
- Keep a record of all grievances;
- Discuss with the Employer's representative and the President of the Union and/or the Shop Steward all grievances that have not been resolved by the Shop Steward at the immediate supervisory level;
- After consultation with and authorization from the President, or in his/her absence the Vice-President, may write or cause to be written emergent letters to any person or persons, for the purposes of dealing with a complaint/grievance, and such letters may be signed by the Chief Shop Steward or by the Recording Secretary; the contents of such letters shall be reported at the next Executive meeting;
- In consultation with the President, or in his/her absence the Vice-President, prepare cases for arbitration;
- Co-ordinate in consultation with the President and the area shop steward, an annual meeting for each of the following classifications: Custodial, Clerical, Transportation, Grounds and Maintenance, and School Support Workers. These meetings shall be held at a time when all members of that classification can attend.
- Participate actively as a standing member of the Labour Management Committee.
- Upon termination of office, surrender all books, files and other Union property to the successor.

(i) Good of the Union Member (not an Executive Office) shall;

- If a member is ill for more than a week, have sent some token of the Local's concern and desire to help, whether the member is at home or in the hospital;
- Extend the Local's condolences in the event of the death of a member or of the member's immediate family and make any other appropriate gesture in accordance with the custom or the wishes of the family concerned.

SECTION 9 – OUT OF POCKET EXPENSES

The following expense allowances shall be provided;

(a) The President, Vice-President, Secretary-Treasurer, Membership/Recording Secretary, Shop Steward(s) and Chief Shop Steward shall receive an Honorarium of \$500.00 per year which will be paid in June of each year

(b) In addition, the President, Secretary-Treasurer, Vice President, Chief Shop Steward, Shop Stewards and Membership/Recording Secretary shall receive lieu days, as follows:

- President 10 working days per year
- Secretary-Treasurer 10 working days per year
- Vice President 8 working days per year
- Chief Shop Steward 8 working days per year
- Shop Stewards 5 working days per year
- Membership Secretary 5 working days per year
- Recording Secretary 4 working days per year

(c) All lieu days will be paid at the daily maximum hours for the classification of the member elected to the office.

(d) All costs for lieu days will be charged to the Local. All lieu days must be taken by September 1st of each year.

SECTION 10 – FEES, DUES AND ASSESSMENTS

(a) Initiation Fee:

Each applicant for membership in the Local shall be directed to the Membership Secretary and shall pay an initiation fee of \$10.00 (ten dollars), which shall be in addition to monthly dues. The Membership Secretary shall issue a receipt.

(b) Monthly Dues;

The monthly dues shall be as voted by the membership (Appendix B.4.3) All dues paying members are entitled to due representation by the local. Changes in the levels of the Initiation Fee, the Re-admittance, Fee, or the monthly dues can only be affected by following the procedures for amendment of these By-Laws (see Section 16 of these By-Laws) with the additional provision that the vote must be by secret ballot if so ordered by the members.

- (c) Notwithstanding the above provision, if the CUPE Convention raises the minimum fees and/or dues above the level herein established, these By-Laws will be deemed to have been automatically amended to conform to the new CUPE minimum;
- (d) Special assessments may be levied in accordance with Appendix B.4.2. of the CUPE Constitution.
- (e) A member in good standing is any person that has paid up their dues is entitled to full representation under the CUPE Constitution.

SECTION 11 – NOMINATION, ELECTION & INSTALLATION OF OFFICERS

(a) Nominations;

1. Nominations shall be received at the annual membership meeting in the month of October. To be eligible for nomination, a member shall have belonged to CUPE Local 441 for a least four (4) months and shall be attended at least 40% of all general meetings held in the 12 month period prior to the nomination unless a reason, acceptable to the Local, has been given for non-attendance.
2. Nominations for the Executive may be done by proxy with written agreement of the nominee. No proxy voting will be permitted.

(b) Elections;

1. At a membership meeting on or before Election Day, the President shall, subject to the approval of the members present, appoint an Election Committee consisting of a Returning Officer and assistant(s). The Committee shall include members of the Local who are neither officers nor candidates for office. It shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with it's' responsibility as confidential.
2. The Executive shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
3. The Returning Officer shall be responsible for issuing, collecting and counting ballots; must be fair and impartial and see that all arrangements are unquestionably democratic.
4. The Election shall take place at the annual membership meeting in October provided a quorum is present. If no quorum is present elections will be carried forward to the next general meeting and be conducted at that time. The current Executive will carry on the business of the local until a new Executive is duly elected.
5. The vote shall be by secret ballot.
6. Voting to fill one office shall be conducted and completed, and recounts dealt with before balloting may begin to fill another office.
7. A majority of votes cast shall be required before any candidate can be declared elected and subsequent ballots shall be taken, if necessary to obtain a majority. On the subsequent ballots the candidate receiving the lowest number of votes in the previous ballot shall be dropped. In case of a final tie vote, the presiding officer may cast the deciding vote.
8. When two or more nominees are to be elected to any one office by ballot, each member voting shall be required to vote for the full number of candidates required for the office or the member's ballot will be declared spoiled.

9. Any member may request a recount of the votes for any election and a re-count shall be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as laid down in Section 4 (c) of these By-Laws.

(c) Installation;

1. All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for two years or until a successor has been elected and installed, provided however, that no term of office except for Trustee, shall be longer than two (2) years. (Appendix B.2.4.)
2. The terms of office for Trustees shall be as laid down in Appendix B.3.10. of the CUPE constitution;

(d) By-Elections;

1. Should an office fall vacant pursuant to Section 7 (g) of these By-Laws, or for any other reason the resulting by-election shall be conducted as closely as possible in conformity with this section.

SECTION 12 – DELEGATES TO CONVENTION/SEMINARS/CUPE WORKSHOPS, CUPE BUSINESS MEETINGS

- a) Except for the President's option (Section 8A (a) of these By-Laws), all delegates to each convention shall be chosen by election at membership meetings.
- b) All registration fees shall be paid by the local.
- c) All out of town hotel expenses shall be paid by the local for members. Local 441 acknowledges our member's right to privacy. Members are encouraged to share accommodations whenever practical (Shared accommodation reduces the cost to the local while allowing us to send the maximum number of delegates). The difference between a single and double room for a spouse shall be paid by the member.
- d) The most economical form of transportation in the circumstances shall be utilized and paid for by the local.
- e) Members on Union business for the duration of one day or longer who do not report to their worksite for any part of their shift shall be paid the daily maximum hours for their classification, Members shall be responsible for indicating these hours on their time card.
- f) Two Delegates to the Vancouver Island District council shall be elected annually. This delegate shall be required to report at each membership meeting of the Local on the proceedings at recent meetings of the Council;
- g) All members attending out of town conventions, seminars, workshops, or CUPE business meetings shall be paid all travel expenses including parking and mileage where applicable in accordance with the current CUPE BC Expense Policy. Upon member(s) request the per diem and/or travelling expenses estimates may be paid in advance, with any over payment reimbursed to the local upon the members return. Any activity taking less than 4 hours shall be considered as a half day and shall be paid a per diem of half the daily rate.
- h) All members attending full day in-town conventions, seminars, CUPE workshops, or CUPE business meetings where a meal is not provided will be reimbursed at the CUPE BC ½ day rate.
- i) All members attending full day in-town conventions, seminars, CUPE workshops, or CUPE business meetings where a meal is provided will be reimbursed for parking (with receipts) and mileage.
- j) All members attending conventions, seminars, workshops, or CUPE business meetings that occur on a Saturday or Sunday shall be paid all travel expenses including parking, per diem and mileage where applicable in accordance with the current CUPE BC Expense Policy.
- k) Members will not be reimbursed for any alcoholic beverage(s).
- l) Representation at education seminars shall be on the recommendation of the Education Committee, subject to final approval by the membership.

SECTION 13 – AD HOC COMMITTEES

Definition:

An ad hoc committee may be established for a specified purpose and period by the membership at a meeting. The members shall be elected at the same or another membership meeting or may, by specific authorization of the membership, be appointed by the President or Executive. Two members of the Executive may sit on any special committee as ex officio member;

Social Committee:

It is the function of this ad hoc committee to arrange and conduct any social and recreational activities of the Local as a result of decisions taken at membership meetings. The Committee shall submit a report following any activity to the Executive and to the membership. A ceiling for the Committee's net expenditures shall be fixed by the membership, but other than that, all social and recreational events and activities shall be self-supporting. The Executive shall be held responsible for the proper and effective functioning of this Committee.

The committee shall comprise between two and five members and may appoint a secretary/treasurer from among it's' members.

By-Law Committee:

It is the function of the ad-hoc committee to update the Local's By-Laws bi-annually. The Vice-President shall submit the recommended alterations to the Executive and subsequently to the membership for approval.

Political Action Communication Committee:

It is the function of this ad-hoc committee to be pro-active and co-ordinate the involvement of Local 441 in any political action.

SECTION 14 – STANDING COMMITTEES

The Chair of each committee, if required, shall be elected by the members of the committee. The Chair and the Executive may, with the concurrence of the membership, jointly appoint other members to serve on a committee. The Vice-President shall be a member, ex-officio, of each committee. There shall be six standing committees as follows:

1. Bargaining Committee:

This committee shall be established for the purpose of maintaining continuity in negotiating subsequent collective agreements and to allow preparation of newly defined issues for subsequent contract negotiations.

At contract ratification, a new bargaining committee shall be elected, with a minimum of 2 (two) members from the previous bargaining committee. The committee shall consist of five (5) elected members, one from each classification, whom will sit with the board of School Trustees. The Local will pay for only one of these five members. The function of the committee is to prepare collective bargaining proposals and to negotiate collective agreement. The CUPE Representative assigned to the Local shall be non-voting members of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

Protocols and Procedural Guidelines for Bargaining Team

- 1) All members in good standing as per Clause 5:01 (a) of the current Collective Agreement may submit requests for items to be dealt with during negotiations.

- 2) Only written submissions will be accepted. Numbered forms will be distributed to each location. The committee will decide deadlines for acceptance of submissions. Members should make every attempt to refer to specific Articles in the Collective Agreements in their submissions.
- 3) The committee's duty prior to the membership vote is to accept submissions and to compile them, referring to the number of the submission, in an appropriate manner (wording, location in the collective agreement etc.)
- 4) ALL submissions from members will be included by the committee, for the membership at large, to vote upon.
- 5) Following compilation by the committee, recommendations will be made on each submission, a meeting will be held for the membership to vote upon all recommended submissions.
- 6) Each submission will be voted on by the membership. A simple majority will determine acceptance or rejection, or upon the passing of an appropriate motion by the floor, the entire package will be approved by simple majority.
- 7) During negotiations the following protocols will be observed regarding communication with the membership
- 8) Those committee members who will meet with the School Board will be identified for the membership.
- 9) Committee members will be obliged to keep all negotiating discussions with the School Board confidential. Members please respect this!
- 10) At each monthly meeting during the negotiating process, the Committee will report on the status of negotiations and report any clauses, which have been signed off.
- 11) When the Committee has reached an agreement with the Board, it will call a Special meeting to present the items to the membership. The committee must ensure that the location of the meeting meets Audio and Visual needs of the members. The committee shall advertise the meetings times – start time and "Lock-in" time. A grace period of 10 minutes will be given for latecomers. There will be no admittance after the grace period.
- 12) At the ratification meeting, the following protocols will be observed;

PRIOR TO BEGINNING, A FULL EXPLANATION OF THE PROCESS WILL BE GIVEN

- (a) Trustees shall act as scrutinizers. If any Trustee is absent a replacement shall be appointed by the President; their duties are as follows:
 1. To issue the ballots
 2. To oversee the voting
 3. To conduct the counting of the ballots
 4. To report the results to the membership
 5. To destroy the ballots on request of the membership
- (b) Only initiated members in good standing may vote at the ratification meeting.

PROCEDURES FOR EXPLANATION AND DISCUSSION

- (a) Each item will be explained in the following manner
 1. New wording will be read and displayed
 2. An explanation will be given as the differences and the ramifications of the change.
 3. Questions from members will be taken regarding this item
 4. When no questions remain, move on to next item.
- (b) After all items have been read and explained fully, and no questions remain unanswered, then the wage proposal will be discussed. This will also be explained fully and to the satisfaction of the members (% means, across the board means, etc).
 1. Members will vote upon the package as a whole
 2. The vote will be by secret ballot ONLY

3. A simple majority if required for acceptance or rejection.
(c) The ballot will state only YES or NO

2. Grievance Committee

This Committee shall process all grievances not settled at the initial Stage (as per CUPE Contract Article 12.02) and its reports shall be submitted first to the Executive, with a copy to the CUPE Representative, and then to a membership meeting. Grievances must be in writing on the forms provided by the National Office and be signed by the complainant or complainants, as provided for in the collective agreement. The Committee shall be comprised of the representative shop steward(s), the Chief Shop Steward and the President.

3. Education Committee:

It shall be the duty of this Committee to:

- Arrange for representation of the Local at any appropriate and available educational seminars or conferences and submit recommendations accordingly to the Executive;
- Instruct delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of these reports; - co-operate with the Executive in preparing press releases and other publicity material;
- Co-operate with the Education and Public Relations Departments of CUPE and with the regional Education Representative, in implementing both the Local's and CUPE's policies in these fields
- Distribute union literature.

The Committee shall comprise between two and five members and shall appoint its' secretary from among its members.

4. Job Evaluation Committee:

This committee shall be comprised of (4) four elected members. The working committee will meet with representatives of the school Board to evaluate or re-evaluate, through the use of a gender-neutral evaluation plan, all positions within the Collective Agreement as necessary. Committee members will serve a 2 (two) year term after which a new committee will be elected, having a minimum of minimum of (1) one and a maximum of (2) two members from the previous job evaluation committee.

5. Labour Management Committee:

This Committee shall comprise the President or Vice-President, Chief Shop Steward, the Shop Steward with the most knowledge on the issue and (1) one other member as selected by the President or the Vice-President and shall appoint its recording-secretary from among its members. This Committee will meet with Management to discuss subjects, which are of concern to both parties.

6. Phone Committee:

This Committee will be chaired by the Membership Secretary; it is the function of this committee to encourage member participation in Union meetings and activities.

7. Scholarship Committee:

It is the function of this committee of (3) three members to receive applications for CUPE Scholarships. The committee will screen the applicants and select the recipients for up to a maximum of (3) three CUPE Scholarships.

SECTION 15 – RULES OF ORDER

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these By-Laws as Appendix A. These rules shall be considered as an integral part of the By-Laws and may be amended only by the same procedure used to amend the By-Laws. In situations not covered by Appendix A, the CUPE Constitution may provide guidance, but if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.

SECTION 16 – AMENDMENT

- a) THESE By-Laws are always subordinate to the CUPE Constitution, (including Appendix B), as it now exists or may be amended from time to time, and in the event of any conflict between these By-Laws and the CUPE Constitution the latter shall govern.
- b) These By-Laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following seven days notice at a previous meeting or at least sixty days written notice. (Appendix B-7.1)
- c) No change in these By-Laws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.
(Appendix B 7.1)

APPENDIX A TO THE BY-LAWS OF CUPE LOCAL #441

RULES OF ORDER

- 1) The President or, in his absence, the vice-President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Secretary-Treasurer shall act as President and in the absence of the Secretary-Treasurer; the Local shall choose a President pro tem.
- 2) No member except the Chairperson of a committee making a report or the mover of a resolution, shall speak for more than (5) five minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had an opportunity. Chairperson and movers of a resolution shall be limited to (15) fifteen minutes, except with the consent of the meeting
- 3) The President shall state every questions coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask; "Is the Local ready for the question?" Should no member rise to speak, the question shall then be put.
- 4) A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
- 5) A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment or amendment, to an amendment, which is a direct negative of the resolution, shall be in order.
- 6) On motion, the regular order of business may be suspended, by a two-thirds vote of those present, to deal with any urgent business.
- 7) All resolutions and motions other than those names in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.
- 8) At the request of any member, and upon a majority vote of those present, a question may be divided when the parts should be addressed separately.

- 9) Any member, having made a motion, can withdraw it with the consent of the seconder, except that any motion, once debated cannot be withdrawn except by a majority vote of those present.
- 10) When a member wishes to speak on a question or make a motion, the member shall rise and respectfully address the presiding officer, but, except to state a point of order or on a question of privilege, shall not proceed further until recognized by the chair.
- 11) Every member, while speaking shall adhere to the question under debate and avoid all personal, improper, or offensive language, as well as any poor reflection on the Local or member thereof.
- 12) When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
- 13) If a member, while speaking, is called to order, the member shall cease speaking until the point is determined; if it is decided the member is in order, then member may again proceed.
- 14) No discussion of a sectarian nature shall be permitted.
- 15) The President shall not take part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
- 16) The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, the presiding officer may in addition have a casting vote, or, refrain from breaking the tie, in which case the motion is lost.
- 17) When a motion is before the Local, no other motion shall be in order except (a) to adjourn, (b) to put the previous question, (c) to lay on the table, (d) to postpone for a definite time, (e) to refer, (f) to divide or amend, which motions shall have precedence in the order names. The first three of these shall be decided without debate.
- 18) A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be not put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment on an amendment to an amendment is adopted, the original resolution, as amended shall be put to the Local.
- 19) A motion to adjourn is in order except (a) when a member has the floor (b) when members are voting.
- 20) A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until (15) fifteen minutes have elapsed.
- 21) After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.
- 22) If any member wishes to challenge (appeal) a decision of the chair the member must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for this challenge. The chairperson shall immediately and with debate put the question; "Shall the decision of the chair be sustained?" A majority vote shall decide except that in the event of a tie, the chair is sustained.
- 23) After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
- 24) No member shall enter or leave a meeting during the reading of the minutes, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without the permission of the president or Vice-President.
- 25) The Local's business, and proceedings of the meetings, is not be divulged to any persons outside the Local or the Canadian Union of Public Employees.

Updated January 21, 2011